



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Steering Committee Meeting – 8:00 a.m., Room 41

Christopher B. Coleman,
Mayor

Agenda

December 16, 2011
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair

Jon Commers

First Vice Chair

Barbara A. Wencil

Second Vice Chair

Paula Merrigan

Secretary

Anthony Fernandez

I. Approval of minutes of November 18th and December 2, 2011.

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

#11-298-461 Kingdom Pathways – Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services. 1038 Aurora and 426 Oxford Street North, east side of Oxford between Aurora and Fuller. (*Luis Pereira, 651/266-6591*)

NEW BUSINESS

#11-299-652 Cityview Apartments Inc – Rezoning from B2 Community Business to T2 Traditional Neighborhood. 743 3rd Street East, NW corner at Maple. (*Sarah Zorn, 651/266-6570*)

#11-299-856 Justin Hosking and Duke Cono – Re-establishment of nonconforming use as an auto body shop. 323 Maria Avenue, SW corner at 4th. (*Luis Pereira, 651/266-6591*)

#11-299-888 Vincent Reiter (Apex Auto) – Rezoning from I1 Light Industrial to I2 General Industrial. 198 Minnehaha Avenue East, NW corner at Pennsylvania. (*Kate Reilly, 651/266-6618*)

#11-299-056 Vincent Reiter (Apex Auto) – Conditional Use Permit for motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage. 198 Minnehaha Avenue East, NW corner at Pennsylvania. (*Kate Reilly, 651/266-6618*)

V. Transportation Committee

Planning Director
Donna Drummond

Pat Connolly
Gene Gelgelu
Bree Halverson
Richard Kramer
Gaius Nelson
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Elizabeth Reveal
Tony Schertler
Robert Spaulding
Terri Thao
Jun-Li Wang
Daniel Ward II
David Wickiser

Minnesota High Speed Rail Study Preferred Alternative – Approve resolution conveying comments to the Minnesota Department of Transportation.
(*Allen Lovejoy, Public Works, 651/266-6226*)

- VI. **2010 Census: Trends in Saint Paul and Its Neighborhoods** – Informational presentation by Sean O'Brien and Matt Wolf, PED staff. (*Sean O'Brien, 651/266-6008, and Matt Wolf, 651/266-6708*)
- VII. **Comprehensive Planning Committee**
- VIII. **Neighborhood Planning Committee**
- IX. **Communications Committee**
- X. **Task Force Reports**
- XI. **Old Business**
- XII. **New Business**
- XIII. **Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF DECEMBER 12-16, 2011

Mon (12)

Tues (13)

4:00- **Comprehensive Planning Committee**
5:30 p.m. (*Penelope Simison, 651/266-6554*)

HAS BEEN CANCELLED

THE COMMITTEE WILL MEET ON TUESDAY, DECEMBER 20TH AT 4:00 P.M.

Weds (14)

Thurs (15)

5:00 p.m. **Heritage Preservation Commission**

Room 40 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

Permit Review/Public Hearings

147 Arundel Street, Hill Historic District, by Powerfully Green, for a building permit to install a solar electric system on the carriage house roof. HPC File #12-011
(*Boulware, 651/266-6715*)

697 Euclid Street, Dayton's Bluff Historic District, by U Name It Construction, for a demolition permit to remove the wrap-around front porch and alter the exterior. Work was completed without HPC review or a demolition permit. HPC File #12-012
(*Boulware, 651/266-6715*)

Old Business

876 & 900 W. Seventh Street, site Design, Jacob Schmidt Brewing Company Historic District, by St. Paul Leased Housing Associates IV, Limited Partnership (Dominium), for permits for site improvements. HPC File #12-009 (*Spong, 651/266-6714*)

603-605 Summit Avenue, Hill Historic District, by Jack Buxell of J. Buxell Inc., for a building permit to reconstruct the front entrance canopy and metal rooftop feature. HPC File #12-002 (*Boulware, 651/266-6715*)

Fri (16)

8:00 a.m. **Planning Commission Steering Committee**
(*Donna Drummond, 651/266-6556*)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. *(Donna Drummond, 651/266-6556)*

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

OLD BUSINESS

#11-298-461 Kingdom Pathways – Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services. 1038 Aurora and 426 Oxford Street North, east side of Oxford between Aurora and Fuller.
(Luis Pereira, 651/266-6591)

NEW BUSINESS

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Transportation Committee..... Minnesota High Speed Rail Study Preferred Alternative – Approve resolution conveying comments to the Minnesota Department of Transportation.
(Allen Lovejoy, Public Works, 651/266-6226)

Informational Presentation.... 2010 Census: Trends in Saint Paul and Its Neighborhoods – Informational presentation by Sean O'Brien and Matt Wolf, PED staff. *(Sean O'Brien, 651/266-6008, and Matt Wolf, 651/266-6708)*

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes November 18, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, November 18, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Halverson, Perrus, Thao, Wang, Wencl; and
Messrs. Commers, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver,
Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Merrigan, *Porter, *Reveal, and Messrs. *Connolly, *Schertler.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Patricia James,
Penelope Simison, Christina Morrison, Luis Pereira, Kate Reilly, Anton Jerve
Laura Eckert, and Angela Simons, Department of Planning and Economic
Development staff.

I. Approval of minutes of October 28, 2011.

MOTION: *Commissioner Kramer moved approval of the minutes of October 28, 2011.
Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers announced that he has appointed a nominating committee to meet and discuss nominations of officers for the year 2012. Those commissioners are: Jun-Li Wang, Rich Kramer, Tony Schertler, Julie Perrus, Trevor Oliver and Jon Commers.

Chair Commers also announced that he would be abstaining from discussion and voting on the two cases where Wellington Management is the applicant. Vice Chair Wencl will chair the meeting at that point.

III. Planning Director's Announcements

Donna Drummond announced that Episcopal Homes has been awarded a HUD 202 grant to build 50-units of senior housing on the former Porky's site, which is next to their main campus.

The Industrial Zoning Study panel discussion happened last night and Commissioner Oliver was the moderator. It went extremely well, and there was a good turn out and good discussion.

Mayor Coleman will be elected the Second Vice Chair of the National League of Cities for the year 2012. In this organization the second vice chair becomes vice chair and then president.

Mayor Coleman is in line to be president of the National League of Cities in 2014.

The Lowertown Master Plan was handed out today although it is not on the agenda. Lucy Thompson thought that the commissioners should receive it ahead of time to give them more time to look it over. It will be on the agenda on December 2, 2011 to release for public hearing and then the public hearing probably will be on January 13, 2012.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

One item came before the staff Site Plan Review Committee on Tuesday, November 8, 2011:

- Peltier Wire Cloth, new warehouse addition at 4 Acker Street West..

NEW BUSINESS

#11-291-480 Catholic Charities – Modification of Conditional Use Permit to increase maximum number of individuals that can be served from 30 to 50. 215 Old 6th Street NE corner at Main. *(Luis Pereira, 651/266-6591)*

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the modification of conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#11-292-421 Interworld Development LLC – Rezoning from B2 Community Business to T2 Traditional Neighborhood. 1773 Selby Avenue between Wheeler and Fairview. *(Anton Jerve, 651/266-6567)*

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#11-292-560 Interworld Development LLC – Variance to permit parking space in the front yard. 1773 Selby Avenue between Wheeler and Fairview. *(Anton Jerve, 651/266-6567)*

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the variance. The motion carried 14 with 1 abstention (Commerz) on a voice vote.*

#11-292-137 Wellington Management – Re-establishment of nonconforming use as a community residential facility. 180 Grotto Street South between Fairmount and Osceola. *(Kate Reilly, 651/266-6618)*

Chair Commerz announced that he will abstain from this case, and First Vice Chair Wencil will take over as chair.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of nonconforming use subject to additional conditions.*

MOTION TO AMEND: *Commissioner Wickiser moved to amend the zoning report to specify that the community residential facility is for an eating disorders program. Commissioner Kramer seconded the motion. The motion carried 14-0 with 1 abstention (Commerz) on a voice vote.*

The main motion as amended carried 14-0 with 1 abstention (Commerz) on a voice vote.

#11-291-887 Wellington Management – Conditional Use Permit to provide off-street parking that exceeds the maximum permitted. (Kate Reilly, 651/266-6618)

Chair Commerz abstained from this case too, and First Vice Chair Wencl continued to chair.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions.*

Kate Reilly, PED staff, clarified the actual number of parking spaces being requested, which is 59.

Commissioner Spaulding introduced a substitute resolution and distributed it to the commissioners.

MOTION TO AMEND: *Commissioner Spaulding moved to amend the motion from the Zoning Committee by substituting a resolution based on a modification of the staff and Zoning Committee findings. Commissioner Wang seconded the motion.*

Commissioner Spaulding read and explained the changes, which are a modification of the staff and zoning committee findings. Finding number four: the substance of the change and the key issue is the demonstration of need for the extra spaces. The applicant has demonstrated a need for approximately 59 spaces. However, the applicant has not demonstrated a clear need for all 59 spaces to be on their premises. This is a critical distinction. Alternative arrangements are clearly available to the applicant that would preserve more of the site's setting. For most of the last 40-years the facility was used by a community residential facility of reasonably similar intensity. During those decades, testimony indicated that a significant number of staff and visitors used the street as parking on a routine basis. As a matter of public policy it is reasonable for any residential or commercial use to rely on on-street parking, provided the on-street parking relied upon is in rough proportion with the scale and intensity of the use.

Staff has analyzed the amount of on-street parking available directly adjacent to the use on the same side of the street, and found 29 spaces are available in that area. In combination with an allowance for 40 spaces of off-street parking, these particular on-street spaces could more than accommodate the average of 59 spaces the applicant states will be needed to meet their average anticipated demand. The applicant has not demonstrated the need for all 59 off-street spaces. Rather, a reduced number of 40 on-site spaces would be sufficient to meet demand, and to help limit any adverse impact of the on-street parking the applicant may request that the employees and clients prioritize use of the spaces directly adjacent to the facility.

Commissioner Fernandez expressed opposition to Commissioner Spaulding's alternate resolution. He is in favor of the Zoning Committee's findings based on these reasons. Testimony at the Zoning Committee meeting was that this was something the neighborhood wanted because it was

taking parking off of the streets. There was a problem that occurred with the previous use, taking up too much on-street parking around that area. The reason that the neighborhood is behind this application is because the developers said that they could do something about the off-street parking and therefore they created additional parking spaces on their facility. If the parking spaces are limited, it isn't clear what else they would get out of the site.

Commissioner Ochs stated that, given that all three streets Fairmont, Osceola and Grotto were used for parking, he sees that the only additional need is for 8 spaces; however he thinks that Commissioner Spaulding has generously allowed for much more than that off-street. Trying to contain all of the parking spaces within the lot and not utilize the street gives the neighborhood more of an industrial character. And having cars on the street gives visibility and a presence in the neighborhood rather than a vacant look. It contributes to traffic calming -- the more vehicles parked tends to constrict the roadway and therefore drivers are more cautious and do not necessarily speed. He doesn't think that the applicant should try and change ordinances to accommodate the desires of neighbors.

Kate Reilly, PED staff, noted that the parking spaces on Osceola exist, but the properties on the south side of Osceola do not have an alley or garages. She also pointed out that the applicant stated that the deal will not work unless they have 59 spaces.

Commissioner Kramer noted that the nature of the visitors to the site is former clients, and when the former clients visit the site they are not stopping in to pick up a prescription or for a one hour counseling session. Many visitors are there for intensive counseling sessions, around 4-6 hours. Many of the clients are not restricted as to driving. It is not the typical type of community residential facility in the City of Saint Paul, where the clients have restrictions on driving. Commissioner Kramer read part of the conditional use permit application submitted by the applicant. This is a metropolitan program that draws people from all over the Twin Cities, and that will increase the number of visiting clients. He stated that this is the justification for parking beyond the maximum.

Commissioner Oliver said the key issue is trying to figure out how to determine what the needed spaces are instead of figuring out the maximum demand and trying to build a parking lot to that. And his concern is 59 being the number. Knowing that there is somewhere between a couple and 29 available spaces on the street (not to use up all 29) -- those are the numbers to look at. There are 25 vehicles that are going to be there all the time, that's a base number. The question is how many more off-street spaces are needed to strike a balance. The Commission should be mindful not to use up all the available space on the street as to not crowd out residents. Commissioner Spaulding used the maximum parking 16 as a base line and then went from there. If they use the 25 number as a base line and try to strike the balance, maybe 50 instead of 59 would be the appropriate number. Commissioner Oliver discussed alternate layouts for the proposed parking lots and suggested that building out the north side lot and counting the spaces in front would strike a decent balance.

Commissioner Nelson said that during the Zoning Committee meeting he was concerned about what constituted proof of the amount of parking required. He does not think the staff of 30 during the day and 10 at night and the issue of doors slamming and shift changes at 5:00 p.m. are valid issues. There is a difference of 20 between the daytime and the evening hours; that's a large number of parking spaces. It sounds more like they're talking about the peak. He was trying to understand what the staffing was how many people are on what shifts -- things of that sort, but

the owner did not bring that level of detail to them. They were told an average number of people that would be there during the day, which in his mind is not enough to analyze the situation

Commissioner Nelson also wanted to mitigate some of the negative impacts of all of the parking. But the city attorney advised that the only thing they could consider is the number of parking spaces not the design or ways to mitigate the number of parking spaces on the site. So at this point, the only way that the Commission has to mitigate the negative impacts of the parking spaces is by controlling the number of parking spaces. At Zoning Committee he voted for the application, but Commissioner Spaulding's analysis of what's available in the area has changed his vote.

Commissioner Perrus expressed concerns because conditional uses are generally allowed uses as long as the standards in the code are met. In the demonstration of need and in the code, is it required that on-street parking be accounted for in creating the standard.

Kate Reilly, PED staff, said that on-street parking can not be included as required parking, but when the parking code was established on-street parking was taken into consideration in developing the requirements.

Commissioner Wickiser said that his 'no' vote at the Zoning Committee had to do with the new parking code amendments and in asking staff whether or not this was going to be tough or it was going to limit use. He has a hard time saying on one hand the city is going in this strategic direction of requiring less parking and now there is a 170% parking variance. The reason for his vote was to provide some consistency.

AMENDMENT: *Commissioner Oliver moved to amend the number spaces from 59 to 50. Commissioner Spaulding seconded the motion.*

Commissioner Perrus expressed opposition to inserting a different number. She is concerned that every time one of these proposals is submitted, the Commission will try to decide how many are appropriate, and it needs to be clear that this is not a variance, this is a conditional use permit application.

Patricia James, PED staff, explained that the code is based on average use, which means sometimes more parking will be needed and sometimes it would be less. The code also included recognition that people will be parking on the street. The code provides for this as a conditional use permit, not a variance, in that there can be a wide range of parking need within a use classification. The only relevant issue is whether they have shown need, and if they can show need, then no number is too large. If they have not shown need, the permit should not be approved.

Commissioner Gelgelu expressed support for the 59 spaces, because the applicant demonstrated that there was a need. He is not comfortable relying on on-street parking.

MOTION: *Commissioner Perrus moved to call the question. The vote passed 8-6; the Commission proceeded to the vote on the Amendment.*

The vote on the Amendment for 50 parking spaces failed 6-8 on a voice vote.

AMENDMENT *Commissioner Spaulding moved to amend his substitute resolution from 40 parking spaces to 48 parking spaces. Commissioner Wang seconded the motion.*

Commissioner Spaulding said that he disagrees that they can not find a number other than 59. He believes the Commission may review competing policy directions and find an appropriate place that will satisfy the condition. He believes a need has been demonstrated for 48 parking spaces on site; a need has not been demonstrated for 59 parking spaces, for the reasons stated in the substitute resolution.

Commissioner Halverson stated that she is a strong believer that, if there is a policy, that policy should be enforced. The discussion is about how to interpret the policy, but it also appears to be just picking a number.

Commissioner Ochs expressed support for Commissioner Spaulding's amendment for 48 parking spaces.

MOTION: *Commissioner Thao moved to call the question. The motion carried on a voice vote.*

There was a vote on the substitute resolution as amended, with a total of 48 parking spaces. The motion failed 6-8 on a voice vote.

There was then a vote on the original motion, the recommendation from the Zoning Committee -- The motion carried 8-6 (Ochs, Oliver, Nelson, Spaulding, Wang and Wickiser) with 1 abstention (Commerz) on a voice vote.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on **Tuesday**, November 22, 2011.

V. Comprehensive Planning Committee

Parkland Dedication Ordinance Amendments – Approve resolution initiating a zoning study to consider amendments to Sec. 69.511, Parkland dedication requirements, of the Subdivision Regulations. (*Allan Torstenson, 651/266-6579*)

Allan Torstenson, PED staff, clarified that there are two specific amendments this proposes to study. One pertains to the parkland dedication requirement at the time of platting. The City Council found that basing the parkland dedication requirement at the time of platting on the total area of the plat would have been unreasonable for two of the eight plats that have gone through the Council since the parkland dedication requirements were adopted in 2007. This was because some of the new lots would be unchanged or were for something other than new residential, commercial or industrial development and therefore would not create a need for additional parkland. There is discussion in the staff memo and some findings in the resolution that explain why they had to grant variances in those cases. They want to avoid having to grant variances every time that comes up.

MOTION: *Commissioner Spaulding moved the Comprehensive Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

Commissioner Spaulding announced that the next Comprehensive Planning Committee meeting is Tuesday, November 29, 2011.

VI. Neighborhood Planning Committee

North End-South Como District 6 Plan – Recommendation to release for public review and set public hearing for January 13, 2012. (*Penelope Simison, 651/266-6554*)

Penelope Simison, PED staff, described the sections of the District 6 Plan. She said District 6 approached the department a year ago to do a planning study on the numbers of residential uses located within the industrial area. Most of the houses pre-date the current industrial zoning and many are in substandard condition. District 6 wanted to resolve the conflicts between residential and industrial uses in the area southwest of the Como/Front/Dale intersection. The draft plan also includes alternatives for improving the aesthetics and functioning of the Como/Front/Dale intersection, the only Neighborhood Center identified in the Comprehensive Plan within District 6. The alternatives were developed by the Metropolitan Design Center at the University of Minnesota. PED, Public Works and Ramsey County are in the process of discussing the alternatives and how they can be implemented. The alternatives can be used to implement the neighborhood center concept in the Comprehensive Plan. The other element in the draft plan is policies from the District 6 adopted plans that have yet to be implemented. The forty-acre study that accompanies the plan includes proposed zone changes along the streets within the industrial area that are almost entirely residential. The proposed zoning is consistent with the existing use. Another area addressed in the plan is south of Oakland Cemetery. This area has many conflicts between residential and industrial uses, and the draft plan proposes is that a task force be formed to specifically work on this area in the future. It is recommended that the public hearing be scheduled for January 13, 2012.

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to release the draft for public review and set a public hearing for January 13, 2012. The motion carried unanimously on a voice vote.*

Commissioner Wencl announced that the next Neighborhood Planning Committee meeting is on Wednesday, December 7, 2011.

VII. Transportation Committee

Regional Transitways Guidelines – Approve resolution endorsing the Transportation Committee's comments to the Mayor. (*Christina Morrison, 651/266-6546*)

Commissioner Spaulding stated that the Metropolitan Council has led an effort to create and adopt Regional Transitway Guidelines for the development of corridors as identified in the region's 2030 Transportation Policy Plan (TPP). The guidelines will provide guidance for development of commuter rail, light-rail and bus-rapid transit. He noted that the packet summarizes the policy basis and the City's comments. Commissioner Spaulding briefly reviewed the draft comments.

Donna Drummond, Planning Director, noted that the Transportation Committee met on November 14th, the Monday after the packet was mailed out, and that there were some minor

changes to the comments based on the committee discussion. She stated that the changes were emailed out and also distributed at each commissioner's seat.

MOTION: Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution endorsing the Transportation Committee's comments to the Mayor. The motion carried unanimously on a voice vote.

Christina Morrison, PED staff, announced the items on the agenda for the next Transportation Committee meeting on Monday, December 5, 2011.

VIII. Communications Committee

No report.

IX. Task Force Reports

Commissioner Wencil announced that the Near East Side Task Force met last Tuesday evening and they had a presentation by the Metropolitan Design Center which generated great discussion for the participants. Also that was their last meeting for the year.

X. Old Business

None.

XI. New Business

Commissioner Kramer said that on Tuesday he had attended the Post Office's public hearing regarding possible closing of one post office on the east side at Cedar Square. There were substantial issues that were raised and letters that were sent by the Mayor and Councilmembers Helgen, Bostrom and Lantry. Commissioner Kramer suggested that either the Neighborhood Planning Committee or Steering Committee would consider sending a letter echoing some of the concerns as the closing relates to planning, redevelopment and transit issues. There is an upcoming public hearing about closing the west side post office.

Chair Commers agreed and said that they need to articulate a perspective on that.

XII. Adjournment

Meeting adjourned at 10:20 a.m.

Recorded by Laura Eckert and Angela Simons
Prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission

PED\butler\planning commission\minutes\Nov. 18, 2011

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes December 2, 2011

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Commissioners Present: Mmes. Halverson, Perrus, Porter, Thao, Wang, Wencl; and Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Schertler, Spaulding, and Ward.

Commissioners Absent: Mmes. *Merrigan, *Reveal, and Mr. *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Patricia James, Penelope Simison and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes for November 18, 2011.

Chair Commers announced that the minutes are not available at this time. However they will be ready for approval at the December 16, 2011 meeting.

II. Chair's Announcements

Chair Commers had no announcements.

III. Planning Director's Announcements

Donna Drummond had no announcements.

IV. Zoning Committee

STAFF SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

One item came before the staff Site Plan Review Committee on Tuesday, November 29, 2011:

- Emily Program, enlarge parking lots at 180 Grotto Avenue South

Two items to come before the staff Site Plan Review Committee on Tuesday, December 13, 2011:

- Pizza Luce, demolition of existing building and build new remote parking lot with 11 spaces at 1170 Selby Avenue.

- Apex Auto Salvage, storage buildings and outside storage areas at 198 Minnehaha Avenue East.

OLD BUSINESS

#11-285-730 Wulff Family Mortuary – Variance of front yard setbacks for parking lot at 1755 Nevada and 1756 Nebraska. 1486 White Bear Avenue North between White Bear Avenue and Flandrau Street. (Penelope Simison, 651/266-6554)

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the variance subject to additional conditions. The motion carried unanimously on a voice vote.*

NEW BUSINESS

#11-296-310 MGM – Rezoning from R4 One-Family Residential to B2 Community Business. 1105-1125 California Avenue West between Lexington and Dunlap. (Penelope Simison, 651/266-6554)

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning subject to additional conditions. The motion carried 15-0 with 2 abstentions (Perrus, Oliver) on a voice vote.*

#11-296-317 Walgreens – Conditional Use Permit for drive-thru sales and service with modification of distance from residential property. 1102-1124 Larpenet Avenue West, SW corner at Lexington. (Penelope Simison, 651/266-6554)

Commissioner Kramer said that the conditional use permit is needed only for the drive-through. The issue is that it needs a modification of the distance of the driveway from residential property, largely because they are taking portions of these lots and the driveway will be closer to some of the remaining residentially zoned property.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 15-0 with 2 abstentions (Perrus, Oliver) on a voice vote.*

#11-297-833 St. Paul Port Authority (Beacon Bluff North) – Rezoning from VP Vehicular Parking to I1 Industrial; from RM2 Medium Density Residential to R4 Single-Family Residential; and from I1 Industrial to R4 Single-Family Residential. 878 Forest Street North of Wells Street between Forest and Duchess. (Patricia James, 651/266-6639)

Commissioner Kramer said that the end result of the rezoning is that there is one compact industrial zoned parcel and then the remnants of those parcels are rezoned to residential use matching the adjoining properties.

Commissioner Thao asked if this was typical to see this many actions in one.

Commissioner Kramer said nothing with the 3M parcels has been typical. It's one of the more complex rezonings that staff has dealt with.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#11-298-461 Kingdom Pathways – Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services. 1038 Aurora and 426 Oxford Street North, east side of Oxford between Aurora and Fuller. (*Luis Pereira, 651/266-6591*)

Commissioner Kramer announced that this case has been laid over to the December 8, 2011 Zoning Committee meeting.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 8, 2011.

V. Comprehensive Planning Committee

Greater Lowertown Master Plan Summary – Recommendation to release for public review and set public hearing for January 13, 2012. (*Lucy Thompson, 651/266-6578*)

Commissioner Thao reported that the committee had met on Tuesday to continue discussing the industrial zoning study. The Greater Lowertown Master Plan summary that was set to be recommended today has been delayed. The Historic Preservation Commission staff has been working with planning staff and the community task force chair regarding the historic preservation components of the plan and all have requested more time to work on the plan. The plan is to still have a public hearing, but this will be pushed out to a future Comprehensive Planning Committee meeting and then brought back to the Commission.

Commissioner Thao announced the items on the agenda for the next Comprehensive Planning Committee meeting on Tuesday, December 13, 2011.

VI. Neighborhood Planning Committee

Commissioner Wencil had no report, but the Neighborhood Planning Committee meeting on Wednesday, December 7, 2011 has been cancelled.

VII. Transportation Committee

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, December 5, 2011.

VIII. Communications Committee

Commissioner Thao announced that they will be meeting some time in January 2012 to discuss the upcoming annual report.

IX. Task Force Reports

Commissioner Schertler said that everyone should know by now that the Ford Plant is closing and there are alternative development proposals out there. Planning and Economic Development is

engaging Ford in their talks about selecting developers. He said that it will be interesting to see how that process moves forward.

Donna Drummond, Planning Director, added that on Thursday Ford had a closing ceremony for employees and former employees to come back and honor and celebrate the history of the work that had been done at that plant. The last day the plant will be open is December 16th. Once the plant is closed there is a process to decommission it, and they will start doing building demolition so that more environmental investigation can occur. Ford wants to have a better idea of what the environmental situation is there before advertising for a master developer, which will happen later in 2012. An environmental review called a (AUAR) Alternative Urban Areawide Review will be done on the five development scenarios that had been developed by the Ford Task Force to analyze the environmental impacts of the various scenarios and that will help inform further thinking about what makes sense at that site.

Commissioner Schertler thinks that an important part of that process is the relationship that redevelopment agencies have with the site. So whether its PED, HRA, or the Port Authority some careful consideration has to be made between the redevelopment entities, the land use regulatory entities, and implementing entities going forward so that everyone is on the same page. It's very complicated to be the development agency and the land use regulator, and some awareness of the conflict of interest possible on that project should be paid attention to.

Ms. Drummond sees that as a big plus in this case, because they are all in one department and it's a chance to do great development at that site. One of the tools to shape development that the city has is the need for public infrastructure to develop the site. The City also has zoning authority, so there are a variety of tools to work with Ford Land and the master developer when that entity is chosen to get a really great development at that site. It will happen over phases. It's a big site and will not all be developed at one time. This is a huge opportunity for the city and the Planning Commission will be a big part of it.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:00 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission

PED\butler\planning commission\minutes\December 2, 2011



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

Tuesday, December 20, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
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9:30	Lilydale Park Gateway Monument 385 Water Street West Entry monument, sign and seating area for Lilydale Regional Park
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To Applicants:

You should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

Parking

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6th Street at Jackson. To see a map of additional nearby parking ramps go to <http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088 or mary.montgomery@ci.stpaul.mn.us.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, December 8, 2011 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF NOVEMBER 22, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 11-298-461 Kingdom Pathways**
Re-establishment of nonconforming use as a community residential facility licensed by the Department of Human Services
R4
Luis Pereira 651-266-6591

NEW BUSINESS

- 2 11-299-652 Cityview Apartments Inc**
Rezoning from B2 Community Business to T2 Traditional Neighborhood
743 3rd St E, NW corner at Maple
B2
Sarah Zorn 651-266-6570
- 3 11-299-856 Justin Hosking and Duke Cono**
Re-establishment of nonconforming use as an auto body shop
323 Maria Ave, SW corner at 4th
RT2
Luis Pereira 651-266-6591
- 4 11-298-888 Vincent Reiter (Apex Auto)**
Rezoning from I1 Light Industrial to I2 General Industrial
198 Minnehaha Ave E, NW corner at Pennsylvania
I1
Kate Reilly 651-266-6618
- 5 11-299-056 Apex Auto**
Conditional Use Permit for motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage
198 Minnehaha Ave E, NW corner at Pennsylvania
I1
Kate Reilly 651-266-6618

DISCUSSION

Standards for off-street parking that exceeds the maximum permitted
Citywide

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: December 9, 2011
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of December 8, 2011 Zoning Committee Hearing

OLD BUSINESS

1. **Kingdom Pathways (11-298-461)**
Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services

Address: 426 Oxford St N and 1038 Aurora
East side of Oxford, between Aurora and Fuller

District Comment: District 8 recommended approval

Support: 15 people spoke, 10 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Denial

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Denial	Denial (6 - 1) (Fernandez)

NEW BUSINESS

2. **Cityview Apartments Inc (11-299-652)**
Rezoning from B2 Community Business to T2 Traditional Neighborhood

Address: 743 3rd St E
NW corner at Maple

District Comment: District 4 had not responded

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is open

Motion: Lay over to December 22, 2011

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Approval	Laid over (7 - 0)

		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
3.	Justin Hosking and Duke Cono (11-299-856) Re-establishment of nonconforming use as an auto body shop Address: 323 Maria Ave SW corner at 4th District Comment: District 4 recommended approval Support: 0 people spoke, 1 letter Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval with conditions	Approval with conditions	Approval with conditions (7 - 0)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
4.	Vincent Reiter (Apex Auto) (11-298-888) Rezoning from I1 Light Industrial to I2 General Industrial Address: 198 Minnehaha Ave E NW corner at Pennsylvania District Comment: District 7 had not responded Support: 0 people spoke, 0 letters Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval	Approval	Approval (7 - 0)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
5.	Apex Auto (11-299-056) Conditional Use Permit for motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage Address: 198 Minnehaha Ave E NW corner at Pennsylvania District Comment: District 7 had not responded Support: 0 people spoke, 0 letters Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval with conditions	Approval with conditions	Approval with conditions (7 - 0)

city of saint paul
planning commission resolution
file number
date

WHEREAS, Kingdom Pathways, File # 11-298-461, has applied for a Re-establishment of nonconforming use as a community residential facility licensed by the Department of Human Services under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 426 Oxford St N, Parcel Identification Number (PIN) 352923320064, legally described as Greves Subdivision A Lot 9 Blk 2; and on property located at 1038 Aurora Ave, Parcel Identification Number (PIN) 352923320063; legally described as Greves Subdivision A Lot 8 Blk 2;

WHEREAS, the Zoning Committee of the Planning Commission, on December 8, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Currently, both properties are described by the applicant as housing facilities that serve adult male residents that are in recovery from chemical dependency and/or have mental illness. The 426 Oxford property is proposed to serve 14 residents (7 residents in each part of the duplex), and the 1038 Aurora property is proposed to serve 7 residents (a single family house). The properties operated as legally nonconforming uses since shortly after the 2007 Planning Commission denial until September 2, 2010. The applicant now seeks to reestablish the non-conforming residential use as a community residential facility licensed by the State Department of Human Services (DHS). If successful in receiving City, County, and State approvals, the program at 426 Oxford St and 1038 Aurora Ave would be licensed by the Alcohol and Drug Abuse Division (ADAD) of the State DHS, which would allow the applicant to receive reimbursements for costs associated with providing housing and boarding services for residents onsite under a Consolidated Chemical Dependency Treatment Fund (CCDTF) program contract.
2. The applicant applied for a conditional use permit for transitional housing facilities and a rezoning to RM1 for both 426 Oxford Street and 1038 Aurora Avenue in 2007; the Planning Commission denied these applications on February 23, 2007. The applicant also applied for a rezoning of both properties to RM1 to exempt them from certain standards and conditions that would apply to transitional housing facilities in RL-RT1 districts. Due to the Planning Commission denial, the applicant subsequently withdrew the rezoning application.
3. Following the 2007 Planning Commission denials, the City Department of Safety and Inspections approved the use of the properties as "sober houses" for adult males in recovery from chemically dependency. The applicant was receiving Group Residential Housing (GRH) funds from Ramsey County at that time to support resident-related housing/boarding costs. The current City sober house ordinance (Sec §65.160), not yet in effect at the time of the 2007 DSI approval, states that sober houses are "financially self-supporting," and they "do not include facilities that receive

moved by _____
seconded by _____
in favor _____
against _____

operating revenue from governmental sources." In a letter dated September 8, 2011, the City Zoning Administrator describes this formerly-approved use as a "legally nonconforming sober house with GRH funding."

4. The properties at 426 Oxford St N and 1038 Aurora Ave have been registered with the "Housing with Services" designation with the Minnesota Department of Health (DOH), which under 2005 Ending Long Term Homeless legislation allowed Ramsey County Human Services (RCHS) to enter into a GRH agreement at the two properties. However, RCHS stopped referring residents to these properties on July 1, 2010. On September 2, 2010, Ramsey County Human Services (RCHS) terminated the GRH contracts with the applicant for these two properties. A subsequent letter dated September 8, 2011, from the City of Saint Paul Department of Safety and Inspections, the Zoning Administrator states that the legally nonconforming sober house with GRH funding had "been discontinued for more than 365 days." Ramsey County Human Service staff now advises that it will be requiring a rooming/boarding license for any congregate living facility proposing to receive GRH funds. The County has found that a facility that merely has a *Housing with Services* registration alone did not work well due to a lack of sufficient oversight of the property (e.g., licenses, regular inspections). The preferred model of RCHS is either: 1) inpatient treatment, which includes both housing and treatment services at the same location, or 2) housing supported by GRH funds. GRH are flexible funds, which can fund the costs of housing and food for residents even after outpatient treatment is completed, unlike sources like CCDTF, which are treatment funds, and do not reimburse a housing facility provider for the costs of resident's housing/food once treatment is completed.
5. Staff at the State Department of Human Services-ADAD agrees with RCHS that a *Housing with Services* registration with DOH is not sufficient for the properties at 426 Oxford St N and 1038 Aurora to receive CCDTF funds. In addition, DHS-ADAD and RCHS agree that roominghouse and food boarding facility licenses from the City are required for the two facilities to be eligible to receive CCDTF funds (the State and County refer to these City licenses as "boarding/lodge" and food service licenses).
6. Currently, the applicant has a separate Rule 31 license to provide non-residential outpatient treatment services at a nearby property at 1088 University Ave. The applicant has stated that residents would attend outpatient treatment services at 1088 University Ave., or another similar Rule 31 licensed facility while residing at 426 Oxford St N and 1038 Aurora.
7. In Minnesota, publicly-funded substance use disorder treatment is paid for by CCDTF funds. According to the State Department of Human Services-ADAD, "clients assessed as needing residential treatment are 'vulnerable,' and require a safe environment for their treatment process." ADAD does not allow facilities funded with CCDTF dollars to house both clients (residents) who have been through or undergoing treatment as well as non-treatment or non-recovering residents. For this reason, once clients are finished with treatment at a separate, outpatient Rule 31 facility, CCDTF will no longer fund the housing/boarding costs of that resident. CCDTF funds pay \$54.02 per day per resident for the costs of housing/food for residents. According to the State DHS-ADAD, the proposed housing facility must also be reviewed by DHS-ADAD against the State's boarding/rooming requirements that relate to house rules, programming components, staffing, and medication. DHS-ADAD monitors providers who contract through ADAD for CCDTF-funded services, including annual on-site visits to review providers as well as counties; in addition, throughout the year, ADAD monitors, via electronic review and documentation, basic and enhanced services rates, billing/payments, staff qualifications, staff scheduling, and services provided.
8. According to the City's Department of Safety and Inspections, the proposed facilities will require both roominghouse and food boarding facility licenses (what State DHS-ADAD and RCHS refers to "boarding/lodge" license and food service license). DSI has identified several physical requirements that must be addressed to comply with the Health Code, including the addition of a

separate hand wash sink in the kitchen of 426 Oxford St, an NSF dishwasher in the kitchen of 1038 Aurora, and possibly a new range hood and other upgrades for the kitchen, pending on-site inspection of the kitchen. Both facilities must also be approved by the City Department of Safety and Inspections for Fire Certificates of Occupancy.

9. If this application were to be approved by the Planning Commission, appropriate licenses approved by Saint Paul DSI, and the State of MN were to approve the properties for CCDTF funds, then "placing authorities" would be able to engage in resident screening and eligibility assessments (a Rule 25 review) to determine whether to refer eligible residents to these properties for housing/boardings. Placing authorities include counties (such as RCHS), tribes, and Managed Care Organizations.
10. Section 65.153 of the Zoning Code defines Community Residential Facilities licensed by the Department of Human Services as *"one (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more children or persons with mental retardation or related conditions, mental illness, chemical dependency or physical handicaps reside on a 24-hour-per-day basis under the auspices of a program licensed by the state department of human services to provide lodging in conjunction with monitoring, supervision, treatment, rehabilitation, habilitation, education or training of the residents of the facility."* The proposed uses at 426 Oxford St N and 1038 Aurora Ave meet this definition in that the population served consists of adult males in recovery from chemical dependency, some of whom may also have co-occurring mental illness. The facility residents would live on-site while receiving out-patient treatment services at a Rule 31-licensed facility at 1088 University Ave (or other licensed outpatient facility). This use is different from the previous nonconforming sober house use in that the population served is vulnerable and currently receiving outpatient treatment services, whereas typical sober house residents have completed treatment and can live reasonably independently within the supportive environment provided by housemates.

If this were a use being requested via a Conditional Use Permit, the following standards and conditions for a community residential facility licensed by the Department of Human Services would apply, as follows:

(a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility.

If this were a use being established by a Conditional Use Permit, it would meet the above definition, but not meet this standard. The applicant contends that because the properties were previously approved as legal nonconforming sober house uses with GRH funding, the proposed nonconformity does not represent a change from the previous use. However, the two properties are located adjacent to one another, only separated by an alley (20 feet). The required separation between sober houses is 330 feet; because the previous nonconforming sober houses had an actual separation of only 20 feet, a legal nonconformity of 310 feet existed. The separation requirement between community residential facility uses is 1,320 feet, implying a proposed new nonconformity of 1,300 feet. Because 310 feet was the previous legal nonconformity, and now 1,300 is proposed, the proposed nonconformity represents an increase of 990 feet. The proposed uses would therefore represent a net increase in nonconformity at both properties.

(b) In RL—RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, OS—B3 business and IR—I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents. If this were a use being established by a Conditional Use Permit, it would meet the above definition, but not meet this standard. The applicant contends that because the properties were previously approved as legal nonconforming sober house uses with GRH funding, the proposed nonconformity does not

represent a change from the previous use. The 426 Oxford St property is proposed to serve 14 residents (7 residents in each part of the duplex), and the 1038 Aurora property is proposed to serve 7 residents (a single family house). The maximum number of residents under the previous sober house use was 10 residents (per dwelling unit). At 426 Oxford St N, 14 residents were housed, i.e. seven (7) per unit - though up to 20 were allowed (i.e. 10 per unit) - so no nonconformity previously existed. There was also no previous nonconformity at 1038 Aurora where seven (7) residents lived (but up to 10 were allowed as per the sober house requirement). However, this community residential facility standard states that the maximum number of residents for this use is six (6) at both properties, which would imply a proposed nonconformity of eight (8) residents at 426 Oxford St N and one (1) at 1038 Aurora. The proposed uses would therefore represent a new nonconformity at both properties that did not previously exist.

(c) In residential districts, a conditional use permit is required for facilities serving seven (7) or more facility residents. Because the two properties are zoned R4 and RT1, a community residential facility serving seven (7) or more residents is not permitted by the code. A licensed human service community residential facility serving seven or more residents is not listed as a conditional use permitted in R4 and RT1 districts, which is why the application is for reestablishment of a nonconforming use rather than for a conditional use permit.

(d) In B4—B5 business districts, the facility shall be located in a multiple-family structure. If this were a use being established by a Conditional Use Permit, this standard would not apply, given the R4 and RT1 zoning of the properties in question.

(e) Except in B4—B5 business districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms. If this were a use being established by a Conditional Use Permit, the proposed facilities would both meet this standard, as one serves seven and the other fourteen residents.

11. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*

- (a) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is not met. The two properties could be used for conforming purposes - 1038 Aurora could continue to be used as a single family home or a Community Residential Facility serving six (6) residents, conforming with the lot size and RT1 zoning (currently it is a single family home), and 426 Oxford could continue to be used as a duplex or a Community Residential Facility serving six (6) residents (currently it is a duplex).
- (b) The proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.* This finding could be met if City DSI and State DHS-ADAD approve all appropriate licenses for these properties. If approved, the proposed community residential facility with funding program licensed by the Department of Human Services could be more appropriate to the neighborhood than the previously-approved nonconforming use – a nonconforming sober house with GRH funding. Reasons include a higher level of licensing and associated oversight required by CCDTF funds (including licenses from both the City and State), and a higher level of on-site staffing. DHS-ADAD states that CCDTF provides an increased level of staffing and services onsite given the vulnerable client population – including staff that is awake overnight as opposed to a live-in manager that sleeps at night (though Ramsey County Human Services disputes whether CCDTF funds require a higher level of oversight than required by GRH funding). However, even if it receives all necessary approvals, the proposed community residential facility could be less appropriate to the

neighborhood than the previously-approved nonconforming use, given the increases in nonconformity as discussed in findings 10(a) and 10(b) above.

- (c) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding could be met if the applicant complies fully with all State, City, and County requirements associated with the proposed use. However, RCHS staff has stated that during the period of the GRH contract, there were many client complaints as well as reports that the applicant was consistently housing numbers of clients over the contracted capacity. Given this history, County staff has advised that even if these properties were successful in obtaining the necessary licenses (City DSI and State), there is no guarantee that Rule 25 clients would be referred to these properties. However, any designated placing authority (counties, tribes, or Managed Care Organizations) could.
- (d) *The proposed use is consistent with the comprehensive plan.* This finding is met. While the Housing Chapter of the Comprehensive Plan encourages a diversity of housing choices (Strategy 1), including supportive and affordable housing (Strategy 3), it does not call for allowing community residential facilities at any particular site under any set of circumstances. The proposed re-establishment of nonconforming use as a community residential facility licensed by the Department of Human Services is not specifically inconsistent with the comprehensive plan.
- (e) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on November 2, 2011: 15 parcels eligible; 10 parcels required; 10 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met, as the applicant has submitted initial floor plans indicating notations on them for compliance with accessibility requirements as well as the health code.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Kingdom Pathways for a Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services at 426 Oxford St N and 1038 Aurora Ave is hereby denied.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Justin Hosking and Duke Cono, File # 11-299-856, has applied for a Re-establishment of nonconforming use as an auto body shop under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 323 Maria Ave, Parcel Identification Number (PIN) 322922420033, legally described as Lyman Dayton Addition Lots 24 And Lot 25 Blk 32; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 8, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The current owner and applicant, Justin Hosking, purchased the 4,048 square foot building at 323 Maria Avenue when the property became vacant. The property had been vacant since December 3, 2009, but it was never placed on the City's Registered Vacant Building List. The property now lacks a Fire Certificate of Occupancy. The applicant has indicated his intention to do minor aesthetic upgrades within the office area, to include painting and new carpet and window coverings, but plans no structural changes to the building at this time.
2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met, as the feasibility of having conforming residential uses on the site would be low. The property has been used as an auto body shop in the past, and includes an office space, and a workspace accessed by one garage door and includes a paint booth, multiple bays, and space within which to fit 7-8 cars at one time (though about 4 cars could be worked on at one time). The building workspace also includes dual heaters, dual air compressors, fire suppression systems and a material storage area. The applicant states that up to ten cars could fit on the property within a locked fence (6-8 in front and 2 on the side), though this number may be less due to the need to keep drive aisle and access points open for maneuvering vehicles into and within the site. A conforming auto body shop at this site would require 10 off-street parking spaces for the building plus 4 additional spaces (1 per auto service stall within the building).
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met, as the proposed use is the same as the previous use. Auto body shop activities to be included are collision services, including body, frame,

moved by _____
seconded by _____
in favor _____
against _____

or fender straightening and repair, panel replacement, and overall painting and undercounting. The applicant does not plan on engaging in general auto repair, unless a body repair were to involve the minor repair of mechanical systems impacted by an accident. General auto repair is permitted as an activity of the auto body shop use. While the auto sales are not a permitted activity of an auto shop use, the applicant states that on occasion if a customer does not pay for the shop work and pick up a car, a car may be sold. To comply with the code, any cars sold in this manner must be sold off-site through a licensed broker.

- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use is consistent with the existing character of the neighborhood. Together with the adjacent auto service use next door at 305 Maria Ave (Roy's Auto), which provides heavier mechanical, motor, and transmission work, the applicant states that the two auto-oriented uses together will provide the full range of services to the neighborhood. In addition, the property is relatively small (0.2 acres) and easily accessible at the 4th/Maria intersection as well as its close proximity to a busy commercial intersection at 3rd and Maria Ave to the southeast of the property.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The property falls within the Residential Corridor designation on the Generalized Future Land Use Map. Residential Corridors are segments of street corridors that run through Established Neighborhoods, predominantly characterized by medium density residential uses. As the proposed use is a locally-serving business along a street with many residential uses, it is consistent with this designation.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on November 14, 2011: ten (10) parcels eligible; seven (7) parcels required; seven (7) parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of for a Re-establishment of nonconforming use as an auto body shop at 323 Maria Ave is hereby approved, with the following additional conditions:

1. The applicant applies for and receives any necessary building and/or mechanical permits associated with renovations or upgrades to the building.
2. The applicant receives a Fire Certificate of Occupancy prior to opening the business.
3. No auto sales are permitted on the property.
4. No more than eight (8) automobiles shall be stored or parked outdoors on the parking lot at a time, and no auto parts or partially-dismantled automobiles shall be stored outdoors at any time.
5. Repaired vehicles shall be parked onsite and not on surrounding streets.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Apex Auto Inc., File # 11-298-888, has applied for a Rezoning from I1 Light Industrial to I2 General Industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 162-168 Minnehaha, 172 Minnehaha, 184 Minnehaha and 198 Minnehaha, legally described as PIN 312922120003 – With No Access to Hwy The N 1 Ft Of Lots 20 & 21 & All Of Lot 4 Blk 1; PIN 312922120004 – W 35Ft Of Lot 5 Blk 1; PIN 312922120005 – E 40 Ft Of Lot 5 Blk 1; PIN 3129220006 – Lot 6 Blk 1; PIN 312922120007 – Ashton And Sherburne's, Addition With No Access to Hwy N 1 Ft of Lots 18 & 19 & All of Lot 7 Blk 1; PIN 312922120008 – W 1/2 Of Lot 8 Blk 1; PIN 312922120019 – With No Access To Hwy; The N 1Ft Of W 50 Ft Of lot 15 & N 1 Ft Of Lot 16 & Also E 1/2 Of Lot 8 & All of Lots 9 & Lot 10 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 8, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. This application is to rezone the properties at 162-168 Minnehaha and 172 Minnehaha and 184 Minnehaha from I1 Light Industrial to I2 General Industrial.
2. The proposed zoning is consistent with the way this area has developed. The properties in question are surrounded on three sides by I2 zoned land and industrially used property. The south side, which is residential, is separated from the subject property by both a grade change (the subject property is above the residential property) and a major, highly-traveled roadway (Pennsylvania Avenue), also below the grade.
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed zoning is consistent with the surrounding industrially zoned property and is consistent with Land Use Policy 2: Provide land for jobs, in the Saint Paul Comprehensive Plan. This policy seeks to provide industrial land for jobs and job centers in the city.
4. The proposed zoning is compatible with surrounding uses. The properties in question are surrounded on three sides industrially used property. The south side, which is residential, is separated from the subject property by both a grade change (the subject property is above the residential property) and a major, highly-traveled roadway (Pennsylvania Avenue), also below the grade.

moved by _____
seconded by _____
in favor _____
against _____

5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property." This is not a case of spot zoning. This would create a larger district of I2 in the area.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of Apex Auto Inc. for a Rezoning from I1 Light Industrial to I2 General Industrial for property at 162-168, 172, 184, and 198 Minnehaha Ave. E be approved.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Apex Auto Salvage Inc. File # 11-299056, has applied for a Conditional Use Permit for a motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage under the provisions of § 61.501; § 61.502; 61.202(b); § 65.843; and § 66.541 of the Saint Paul Legislative Code, on property located at 198 Minnehaha Avenue, legally described as PIN 312922120004 – W 35Ft Of Lot 5 Blk 1; PIN 312922120005 – E 40 Ft Of Lot 5 Blk 1; PIN 3129220006 – Lot 6 Blk 1; PIN 312922120007 – Ashton And Sherburne's, Additio With No Access to Hwy N 1 Ft of Lots 18 & 19 & All of Lot 7 Blk 1; PIN 312922120008 – W 1/2 Of Lot 8 Blk 1; and PIN 312922120019 – With No Access To Hwy; The N 1Ft Of W 50 Ft Of lot 15 & N 1 Ft Of Lot 16 & Also E 1/2 Of Lot 8 & All of Lots 9 & Lot 10 Blk 16; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 8, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property has been used as a motor vehicle salvage operation for more than 20 years, but a recent expansion led to the need to make the use conforming, including this application for a conditional use permit for a motor vehicle salvage operation and a variance of required distance from residential property for outdoor processing and storage.
2. § 65.843 permits motor vehicle salvage operations as a conditional use in the I2 district subject to the standards and conditions of § 65.846 as follows:
 - (a) *Outdoor processing, salvaging, and storage of the materials and motor vehicles shall be no closer than three hundred (300) feet to a property occupied with a one-, two- or multiple-family dwelling. The area used for the outdoor processing, salvaging and storage shall be behind an eight-foot-high obscuring wall, fence or landscaped buffer.* This condition is not now met. The outdoor processing is approximately 210 feet from the nearest residential use. The applicant has requested a modification the separation requirement. This finding will be satisfied provided the Planning Commission approves the modification. A wall and buffer already exists at this location, meeting the second part of the condition.
 - (b) *There shall be no outdoor open burning on the site.* This condition is met. There has been no outdoor open burning on the site, and the applicant has not proposed outdoor open burning.
 - (c) *There shall be no stacking of material above the height of the wall or fence, except that material set back three hundred (300) feet from the nearest residential property line may be stacked one (1) foot higher than the wall or fence, up to a maximum of sixty (60) feet, for every additional five (5) feet the material is set back from the nearest residential property line.* This condition is met. There will

moved by _____

seconded by _____

in favor _____

against _____

be no stacking of material above the height of the wall or fence.

3. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The use has been there for more than 20 years without detriment to the residential use to the south. The property is 210 feet from residential property, and the site is only 145 feet wide. If set back an additional 90 feet to meet the distance requirement, the applicant would only have 55 feet within which to do business. Strict application of the condition would thus prevent use of the property for auto salvage, its present and past use. The intent of the condition is to provide a significant buffer between outdoor industrial uses and residential uses. The grade change and separation by a major roadway provide a sufficient buffer, so that the modification will not impair the intent and purpose of the condition and is consistent with the health, morals and general welfare of the community and is consistent with reasonable enjoyment of the nearby residential property.
4. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Land Use policy 2.1 calls for creating land for jobs and sustaining existing businesses.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress to the property will not change.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use is an industrial use and the surrounding uses are industrial uses.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The area is an industrial area and the uses may continue in the district.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met subject to a modification of §65.846(a) and a variance of § 66.541(a)(1) both of which require a separation of 300 feet from a residential property, and City Council approval of the rezoning to I2.
5. § 66.541(a)(1) lists specific conditions for outdoor storage in the IR-I3 industrial districts: *Except as provided in section 63.113, outdoor storage shall be no closer than three hundred (300) feet to a residential district.* This condition is not met, and the applicant has requested a variance of 90 feet from the 300-foot separation standard.
6. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The zoning code permits outdoor storage in the I1 and I2 zoning districts. While the applicant's storage area is closer than 300 feet to the nearest residential zone (210 feet), he proposes to address current encroachments and bring all outdoor storage into the property boundaries, a distance of 210 feet from the nearest residential zone. This still requires a variance of 90 feet. Due to the grade change between the use and the nearest residential property, as well as the buffer of a wall and a four-lane roadway (Pennsylvania Avenue) the variance of 90 feet is in harmony with the general purpose and intent of the zoning code.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. Land Use policy 2.1 calls for creating land for jobs and sustaining existing businesses.
 - (c) *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the*

provision. Economic considerations alone do not constitute practical difficulties. This finding is met. The property owner proposes to use the property as it has been used for the last 20 years and in a manner that conforms to the zoning code (provided the rezoning, the conditional use permit, and the variance are approved). There are practical difficulties in complying with the provision in that the area in which the applicant could do business would be significantly reduced if the setback of 300 feet were met. The property itself is 210 feet from the residential property and the site is only 145 feet wide. If set back an additional 90 feet, the applicant would have 55 feet within which to do business, which constitutes practical difficulty.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The landowner inherited the situation and did not create the issue.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding can be met provided that the City Council rezones the property from I1 to I2. The use is a conditional use in the I2 zoning district. It is not permitted in the I1 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The character of the surrounding area will stay the same. It is a primarily industrial area. The nearest residential use is separated from the property by a heavily traveled roadway as well as a grade change.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Apex Auto Salvage, Inc. for a Conditional Use Permit for a motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage at 198 Minnehaha Ave. is hereby approved.

1. That the City Council approves rezoning the land from I1 to I2;
2. That the site plan is approved allowing for relocating the outdoor storage on the property; and
3. That all auto salvage and outdoor processing work shall be confined to the boundaries of the property and kept at least 210 feet away from the nearest residentially zoned property; and
4. That all outdoor processing done on the site shall be related to the motor vehicle salvage operation.

Transportation Committee Staff Report

Committee date: 12/5/11

Project Name	High Speed Rail Preferred Alternative
Geographic Scope	From Downtown SSE along the Hwy 61 Corridor
Ward(s)	2 and 7
District Council(s)	1, 4, and 17
Project Description	Upper Midwest Study selecting the LaCrosse to Union Depot route as preferred for investigating High Speed Rail from St. Paul to Chicago
Project Contact	Allen Lovejoy
Contact email/phone	Allen.lovejoy@ci.stpaul.mn.us / 651-714-5131
Lead Agency/Department	PED/Council Member Stark
Purpose of Project/Plan	Selection of a preferred route is being done under the aegis of an Alternatives Analysis (AA) portion of the Federal National Environmental Policy Act requirements (NEPA)
Planning References	Transportation Plan Policy 4.2 "Promote collaboration for future high-speed rail service between the Union Depot and Chicago."
Project stage	Environmental work: NEPA first phase is to do an Alternatives Analysis to select the optimal route and technology. This is the culmination of the first phase.
General Timeline	Public Review continues through mid-December. Final AA will be completed in 1 st Quarter, 2012
District Council position (if applicable)	No official district council action has been taken, although District 1 generally seems favorable to HSR along the Hwy 61 Corridor.
Level of Committee Involvement	INVOLVE
Previous Committee action	None
Level of Public Involvement	Involve under the MnDOT process
Public Hearing	Yes, December 12; December 14, Webinar 1-800-511-2259
Public Hearing Location	Stillwater Public Library, 224 North Third
Primary Funding Source(s)	State Bonds, Federal Grants
Cost	

Staff recommendation	Support preferred alignment as following the Amtrak route along Highway 61
Action item requested of the Committee	Recommend resolution to full PC
Committee recommendation	Recommend resolution to full PC
Committee vote	7-0

city of saint paul
planning commission resolution
file number _____
date _____

Minnesota High Speed Rail Study Preferred Alternative

WHEREAS, the State of Minnesota, in conjunction with the states of Illinois and Wisconsin, has been studying "High Speed Rail" between Chicago and the Union Depot; and

WHEREAS, such High Speed Rail will provide reliable and competitive passenger rail service by decreasing travel times, increasing frequency of service, providing accessibility to major population centers, improving freight rail mobility and minimizing environmental impacts; and

WHEREAS, in 1996, nine Midwest states, including Wisconsin and Minnesota, and Amtrak formed the Midwest Regional Rail Initiative (MWRRI); and

WHEREAS, The work of the Initiative (MWRRI) has resulted in a well coordinated and integrated 110-mph rail Business Plan that defines the way in which the rail system should be implemented, and included a Benefit Cost and Economic Analysis (2006); and

WHEREAS, Minnesota Department of Transportation (MnDOT), with assistance of a federal grant, initiated a Tier 1 Environmental Impact Statement document for new passenger rail service on the Milwaukee-Twin Cities corridor; and

WHEREAS, beginning in late 2009, the Alternatives Analysis portion of the Tier 1 EIS (Alternatives Analysis Milwaukee-Twin Cities High-Speed Rail Corridor Program) was begun, for the purpose of selecting a preferred routing alternative for further study; and

WHEREAS, 25 initial routes were screened down to 14 alternatives, then down to 4 alternatives and finally down to one; and

WHEREAS, the 4 semi-final alternatives included #1 – Existing Amtrak route, #4 – Existing Amtrak route via Madison, #10 – Existing Amtrak route to Tomah, then via Eau Claire, and #11 – Existing Amtrak route via Madison to Tomah, then via Eau Claire; and

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in favor _____
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High Speed Rail Preferred Alternative
Planning Commission Resolution
Page Two

WHEREAS, Alternative #1 was selected because it has a.) fewer significant grades; b.) fastest travel times; c.) lowest capital costs; d.) second lowest track maintenance costs; and e.) serves more population in Minnesota; and

WHEREAS, the City (via City staff and Council Member Stark) has participated in the Upper Midwest High Speed Rail Commission and the Governor's forum on passenger rail, both of which has found favorable the existing Amtrak routing alternative (#1) as the highest priority inter-state passenger rail route.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission support the selection of Alternative 1 of the Alternatives Analysis Milwaukee-Twin Cities High-Speed Rail Corridor Program; and

BE IT FURTHER RESOLVED, that this endorsement of Alternative 1 be conveyed to MnDOT as part of the official public hearing record.